

## Message Text

LIMITED OFFICIAL USE

PAGE 01 ALGIER 00988 190853Z

20

ACTION NEA-09

INFO OCT-01 ISO-00 DEAE-00 CIAE-00 INR-07 IO-10 JUSE-00

NSAE-00 SNM-02 SY-05 TRSE-00 USIA-06 NSC-05 OES-03

OMB-01 L-02 H-02 SS-15 /068 W  
----- 089659

R 190800Z APR 75

FM AMEMBASSY ALGIERS

TO SECSTATE WASHDC 2311

LIMITED OFFICIAL USE ALGIERS 0988

E.O. 11652: N/A

TAGS: SNAR, SHUM, AG

SUBJ: ALGERIAN DRUG LAWS

REF: (A) ALGIERS 609 (B) ALGIERS 494

1. AS PREVIOUSLY REPORTED TO DEPT, ALGERIAN GOVERNMENT ADOPTED NEW LAW ON FEB 17, 1975, PROVIDING FOR VERY HARSH PENALTIES FOR INDIVIDUALS CONVICTED FOR DRUG OFFENSES. THIS LAW HAS BEEN APPLIED IN RECENT SENTENCING OF NEARLY 100 FOREIGNERS ARRESTED FOR DRUG TRAFFICKING THROUGH ALGERIA. (THREE FOREIGNERS, ONE AN AMERICAN, ARE TO BE SENTENCED AT LATER DATE UNDER ARTICLE 8 OF THE NEW LAW WHICH PROVIDES FOR SENTENCES UP TO AND INCLUDING DEATH PENALTY.) THIS NEW LAW HAS BEEN MADE RETROACTIVE TO APPLY TO ANY INFRACTION COMMITTED AFTER OCT. 1, 1974.

2. SEVERAL EMBASSIES IN ALGIERS, WHOSE CITIZENS WERE INVOLVED IN THE DRUG TRAFFIC (FRANCE, ITALY, DENMARK, HOLLAND, WEST GERMANY, SPAIN, SWITZERLAND, GREAT BRITAIN), ARE CONSIDERING SEPARATE DEMARCHES TO THE FOREIGN MINISTRY, PROTESTING THIS APPLICATION OF RETROACTIVITY. THIS PROTEST WOULD BE BASED ON:

(A) ARTICLE 11 OF UNIVERSAL DECLARATION OF THE RIGHTS OF MAN,  
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 ALGIER 00988 190853Z

PARA TWO, WHICH CLEARLY FORBIDS RETROACTIVITY. ALGERIA IS

SIGNATORY TO UNIVERSAL DECLARATION.

(B) ARTICLE 2 OF ALGERIAN PENAL CODE, WHICH STATES:  
"THE PENAL LAW IS NOT RETROACTIVE, UNLESS IT IS LESS  
RIGOROUS."

3. PROTEST WOULD IN NO WAY MINIMIZE GRAVITY OF OFFENSES  
COMMITTED BY TRAFFICKERS, BUT WOULD BE AIMED SOLELY AT  
RETROACTIVITY CLAUSE, WHICH HAS PERMITTED MUCH MORE SEVERE  
SENTENCES THAN DID LAW IN EFFECT WHEN OFFENSES WERE  
COMMITTED (MAXIMUM OF FIVE YEARS IN PRISON AND 10,000  
DINAR-DOLS 2,500-FINE). ITS PURPOSE WOULD BE TO  
EXPRESS THE EMBASSIES' CONCERN ABOUT APPLICATION OF  
RETROACTIVITY TO LEGAL SYSTEM.

4. DURING TRIALS OF DRUG TRAFFICKERS, SEVERAL OF DEFENSE  
LAWYERS BASED THEIR ARGUMENTS ON NONAPPLICABILITY OF THIS  
RETROACTIVITY. THEIR ARGUMENTS, HOWEVER, MET WITH NO SUCCESS  
BEFORE PRESIDENT OF COURT, WHO DELIVERED THE SEVERE SENTENCES.  
SENTENCES ARE ALL BEING APPEALED, SOME BY DEFENSE, ALL BY  
PROSECUTOR (WHO, PRESUMABLY, WANTS EVEN HARSHER SENTENCES).  
AFTER APPEALS TRAIL, TO BE HELD POSSIBLY IN MAY, THERE CAN  
BE APPEAL TO ALGERIAN SUPREME COURT (COURT DE CASSATION)  
ON FINE POINTS OF LAW. ALTHOUGH SOME LAWYERS ARE OPTIMISTIC  
THAT RETROACTIVITY CLAUSE OF LAW WILL BE STRUCK DOWN, MANY  
ARE NOT SO SANGUINE.

5. THE EMBASSY PROPOSES THAT WE SEND A NOTE TO MFA,  
PROTESTING APPLICATION OF RETROACTIVITY CLAUSE OF LAW OF  
FEB 17, 1975, REFERRING TO UNIVERSAL DECLARATION OF RIGHTS  
OF MAN AND TO ALGERIA'S OWN PENAL CODE. PLEASE ADVISE.  
PARKER

LIMITED OFFICIAL USE

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** LAW, DRUG ABUSE, DRUG TRAFFIC, CAPITAL PUNISHMENT  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 19 APR 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** ElyME  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975ALGIER00988  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D750138-0077  
**From:** ALGIERS  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1975/newtext/t19750433/aaaabfas.tel  
**Line Count:** 93  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION NEA  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 75 ALGIERS 609, 75 ALGIERS 494  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** ElyME  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 29 JUL 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <29 JUL 2003 by ShawDG>; APPROVED <20 NOV 2003 by ElyME>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
05 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** ALGERIAN DRUG LAWS  
**TAGS:** SNAR, SHUM, AG  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006